

MICHIGAN SUPREME COURT



Office of Public Information

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SUPREME COURT /FAMILY INDEPENDENCE AGENCY WORK GROUP PRESENTS FINAL REPORT ON ADOPTION ISSUES; MICHIGAN ADOPTION DAY TO TAKE PLACE NOVEMBER 25

LANSING, MI, September 9, 2003 – A work group charged with studying court delays and other adoption process obstacles has presented its final report to Michigan Supreme Court Chief Justice Maura D. Corrigan and Family Independence Agency (FIA) Director Nannette Bowler, the Court and FIA announced today.

Bowler and Corrigan thanked the work group for the report, saying that the recommendations represent an important step toward improving the adoption process in Michigan. They said they would consider the group's report as part of a broader look at the process. [An overview of the work group's specific recommendations is attached.]

Corrigan said the report "focuses primarily on the role trial courts play in adoptions. Director Bowler and I plan to look at all aspects of the process, with the goal of moving children out of temporary placements into loving, permanent homes."

Bowler said the work group "brought together two of the major participants in the foster care and adoption process. A comprehensive attack on the issues facing the foster care system will require the cooperation of all involved. Chief Justice Corrigan and I have been meeting and will continue to meet regularly as we tackle these issues."

While Bowler and Corrigan said they would take time to consider the work group's recommendations, they have already proceeded with planning for a statewide Adoption Day, to be held November 25, 2003.

"This will be the first time Michigan has ever held a statewide event to celebrate adoptions," Bowler said. "Michigan Adoption Day will take place two days before Thanksgiving; fittingly, our theme is 'Giving thanks for families.'"

Corrigan said she hoped the event would draw attention, not only to needed changes in the adoption process, but to the number of children available for adoption. "As the report points out, our state has many children in foster care as a result of child protective proceedings. We have hundreds of children who lack permanent homes."

As of July 31, 2003, 12,673 children were temporary wards of the court as a result of child protective proceedings, the work group report notes. As of that same date, a total of 19,490

children were in foster care. At the end of fiscal year 2002, Michigan had 4,615 permanent state wards available for adoption; 2,833 adoptions were finalized in FY 2002.

More information about Michigan Adoption Day, including a list of participating courts, is available at: <http://www.courts.michigan.gov/supremecourt/Press/MichiganAdoptionDayIndex.htm>.

The work group, which Corrigan formed in cooperation with Bowler, was chaired by Karen Tighe, Chief Judge of the Bay County Probate Court, and retired Probate Judge Donna Morris of Midland. As finally constituted, the group also included:

- Judge Susan Dobrich, Chief Judge, Cass County Probate Court;
- Judge Mary Beth Kelly, Co-Chief Judge, Wayne County Circuit Court;
- Judge Susan Reck, Chief Judge, Livingston County Probate Court;
- Jean Hoffman, Acting Director, Office of Child and Family, Family Independence Agency;
- Donna Mullins, Child Welfare Institute Field Supervisor, Family Independence Agency;
- Kathryn Fehrman, Deputy Director, Family Independence Agency; Service Delivery Administration;
- Port Huron attorney Robert Goldenbogen, a member of the Foster Care Review Board Executive Committee;
- Attorney Lauran Howard, Chief of Adoptions and Intake Support Services, Oakland Circuit Court Family Division.

The work group's formation was prompted in part by a review by the federal Department of Health and Human Services (DHHS). The work group created by Bowler and Corrigan noted in its report that "the Family Independence Agency will take the lead in developing the plan to deal with these issues. However, effective implementation will require cooperative efforts by the courts and other parties involved with the foster care system. In certain areas, the courts will have a significant role to play, particularly regarding the case review process."

The work group noted that Michigan's adoption statute "allows a petition for adoption to be filed in the county where the child is found or where the prospective adoptive parents reside This can lead to petitions being filed in more than one county, with the potential for conflicting decisions." The law might be revised to provide that the court that terminated parental rights is the one in which the adoption petition should be filed, "with the possibility of a change of venue being granted where there is good reason for the case to proceed in another county," the work group report states. "But [the work group] recognizes that this is a complicated subject, and that the differing situations in various parts of the state would need to be taken into account."

The work group's report is available on the "One Court of Justice" website at: <http://www.courts.michigan.gov/supremecourt/Press/FinalReport.pdf> and on the Family Independence Agency website at: http://www.michigan.gov/fia/1,1607,7-124-5452_7116---,00.html.

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ADOPTION WORK GROUP REPORT: AN OVERVIEW

The report's specific recommendations include amending state court rules to:

- Encourage filing of petitions for termination of parental rights in less than 42 days. The current rule permits such petitions to be filed up to 42 days after a court determines, at a permanency planning hearing, that a child should not be returned home. The report notes that "In some cases, FIA may need a significant amount of time to prepare the petition. But that is not always the case, particularly where it has already formulated the recommendation to terminate."
- Encourage earlier scheduling of permanency planning hearings.
- Give termination of parental rights cases "the highest possible priority" for scheduling, so that cases are not delayed.
- Identify early in the proceedings absent parents, relatives who may be potential caregivers, and other interested parties.
- Ensure participation of interested persons, including parents, potential adoptive parents, relatives, and others, at hearings.
- Control substitution of attorneys for children. The report notes that "One often-expressed concern is that there are very frequent substitutions of lawyer-guardians ad litem for children. Sometimes the substitutes are insufficiently prepared to effectively represent the children's interests and to assist the court."
- Require courts to check on whether lawyer-guardians ad litem meet with the children they represent.

The work group also urged trial courts to comply with reporting guidelines that will permit the State Court Administrative Office (SCAO) "to publish an annual report regarding each court's compliance with the provisions designed to achieve permanency, including data on compliance with time requirements."

Other recommendations include continuing education and training for judges and court staff. The work group also endorsed the Michigan Court of Appeals' efforts to reduce appellate delays in termination of parental rights cases. A Court of Appeals work group proposed court rule amendments to reduce the time for such appeals; the proposed rule changes may be viewed at:

<http://www.courts.michigan.gov/supremecourt/Resources/Administrative/2003-25.pdf>.